

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/002,382 Confirmation No. 2795
Applicant : Memran
Filed : October 20, 2001
TC/A.U. : 2644
Examiner : Tony M. Jacobson
Docket No. : 765
Customer No.: 27353

For: Utilizing Vacuum Tubes in Computer Audio Circuitry

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

And
SUBMISSION OF CHANGE OF CORRESPONDING ADDRESS

Sir:

Applicant petitions to revive the above-referenced patent application pursuant to 37 CFR 1.137(b), with a check in amount of \$750.00 for the petition fee under 37CFR 1.17(m). The Commissioner is hereby authorized to charge any additional fee required or credit any excess fee paid to Deposit Account No. 502557.

Applicant respectfully states that the entire delay was unintentional. The explanation of the situation is provided hereinafter.

Applicant submits herein a Response to the courtesy copy of the Notice of Non-responsive Amendment, which was faxed to the Applicant by Examiner Dwayne D. Bost at Art Unit 2600 on February 1, 2005 (see Exhibit (III)). Further submitted is the Change of Corresponding Address.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail mailing label number: ED 456 376 005 45

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandra, VA 22313-1450.

Marcia Scruggs
Typed or printed name of person signing this certificate

2/4/2005

The instant application went abandoned because Applicant did not receive the Notice of Non-responsive Amendment. Applicant's agent became aware of this Notice in July, 2004 by an on-line status check. Since then Applicant's agent had contacted the Office continuously for 5 months, by phone and in writing, to request a copy of the Notice, so that the Applicant can respond to the Notice, see enclosed request in Exhibit (I). However, during the 5 month period, no one in the Art Unit 2600 could find the application file. In November, Applicant's agent was informed by the Examiners that the application file was officially reported as lost. Therefore, Applicant's agent filed a Petition to Reconstruct the Patent Application File on November 19, 2004, with a petition fee under 1.17(h), see enclosed Exhibit (II).

On January 26, 2005, Special Examiner Dwayne D. Bost contacted the Applicant's agent about the pending Petition, since the application file was found in the Office. Examiner Dwayne D. Bost kindly provided the Applicant the courtesy copy of the Notice of Non-responsive Amendment dated April 16, 2004 by fax, to enable Applicant to submit the Response to the Notice of Non-responsive Amendment, together with the Petition For Revival.

Since the 5 month time loss is not Applicant's fault, Applicant respectfully requests the Commissioner's consideration of this period time for patent term adjustment, if the instant application is granted for patent.

2/4/2005

Date of Signature

By: 
Yi Li
Registration No. 44,211

Address correspondence to:
Melvin K. Silverman
500 Cypress Creek Road
Suite 500
Fort Lauderdale, Florida 33309
Telephone: (954) 351-7474
Facsimile: (954) 492-0087

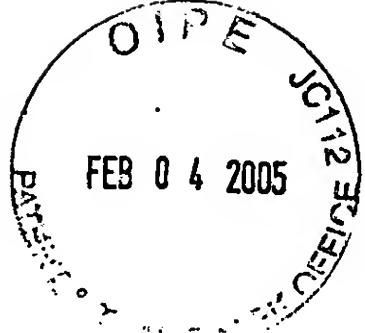


Exhibit (I)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/002,382 Confirmation No. 2795
Applicant : Memran
Filed : October 20, 2001
TC/A.U. : 2644
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Docket No. : 765
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For: Utilizing Vacuum Tubes in Computer Audio Circuitry

Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

REQUEST ON FORWARDING OFFICE COMMUNICATION
DATED April 16, 2004

Sir:

Applicant respectfully requests the Examiner to provide the Office communication dated April 16, 2004, which Applicant has never received.

On April 13, 2004, Applicant's agent submitted a Response to the first Office Action of the instant application, but has not received further communication from the Office. However, in a recent status check using Office's Pair system, Applicant found by surprise that a Notice of Informal Amendment was mailed out on April 16, 2004 (see enclosed Transaction History obtained from the Pair system).

CERTIFICATE OF TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being facsimile transmitted to the Commissioner for Patents, at Fax No. (703) 872-9306.

Marcia Scruggs
Typed or printed name of person signing this certificate

Signature msj Date 3/20/04

Applicant's Agent has contacted the Examiner and the Clerk who is responsible for handling this application numerous times via telephone, since July, 2004 when the Applicant's Agent became aware of the existence of the Office communication dated April 16, 2004. Applicant's Agent has specifically requested the Examiner to take an action on forwarding the Office communication dated April 16, 2004, so that the Applicant can respond to the communication, and to continue the prosecution of the instant application. However, as to date, September 20, 2004, Applicant has not received any official response from the Office which provides the Office communication dated April 16, 2004.

Applicant respectfully reminds the Examiner that this application is entitled expedited prosecution based on an ongoing infringement. With this written request, Applicant once again requests the Examiner to take an appropriate action on providing the Office communication dated April 16, 2004, so that the prosecution process can be continued.

Applicant's Agent respectfully requests direct telephone communication from the Examiner with a view toward any further action deemed necessary to resolve problems associated with the missing document.

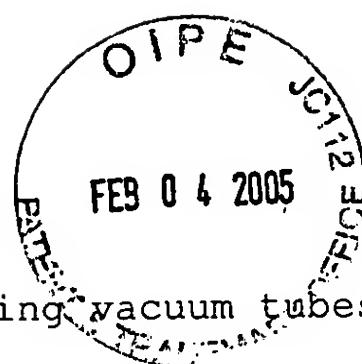
9/20/2004
Date of Signature

By: 

Yi Li
Registration No. 44,211
Agent of the Applicant

Address correspondence to:
Melvin K. Silverman
500 Cypress Creek Road
Suite 500
Fort Lauderdale, Florida 33309
Telephone: (954) 351-7474
Facsimile: (954) 492-0087

Printer Friendly
10/002,382



Utilizing vacuum tubes in computer audio circuitry

Transaction History

Date	Contents Description
04-16-2004	Mail Notice of Informal or Non-Responsive Amendment
04-15-2004	Date Forwarded to Examiner
04-13-2004	Informal or Non-Responsive Amendment after Examiner Action
04-13-2004	Response after Non-Final Action
04-13-2004	Request for Extension of Time - Granted
04-13-2004	Request for Extension of Time - Granted
12-12-2003	Mail Non-Final Rejection
12-09-2003	Non-Final Rejection
11-25-2003	Petition Decision - Granted
10-09-2003	Petition Entered
09-10-2003	Petition Decision - Denied
06-04-2003	Petition Entered
05-06-2003	Correspondence Address Change
05-07-2003	Change in Power of Attorney (May Include Associate POA)
04-17-2003	Correspondence Address Change
04-18-2003	Petition Decision - Denied
04-10-2003	Petition Entered
04-18-2003	Record Petition Decision of Granted Related to Attorney
11-13-2002	Petition Entered
04-07-2003	Case Docketed to Examiner in GAU
01-06-2003	Case Docketed to Examiner in GAU
04-17-2002	Case Docketed to Examiner in GAU
12-28-2001	Application Dispatched from OIPE
12-26-2001	Application Is Now Complete
12-12-2001	IFW Scan & PACR Auto Security Review
10-20-2001	Initial Exam Team nn

[Close Window](#)

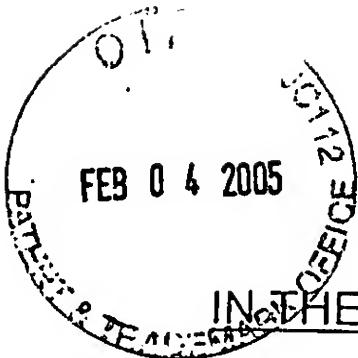


Exhibit (II)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/002,382 Confirmation No. 2795
Applicant : Memran
Filed : October 20, 2001
TC/A.U. : 2644
Examiner : Tony M. Jacobson
Docket No. : 765
Customer No.: 27353

For: Utilizing Vacuum Tubes in Computer Audio Circuitry

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

PETITION TO RECONSTRUCT THE PATENT APPLICATION FILE
PURSUANT TO 37 CFR 1.181 and 1.182

Sir:

Applicant petitions to the Director to reconstruct the above-referenced patent application file in the Patent and Trademark Office pursuant to 37 CFR 1.181 and 1.182, with a petition fee of \$130.00 under 37CFR 1.17(h). The Commissioner is hereby authorized to charge above-referenced fee to Deposit Account 502,557 and any additional fee required or credit for any excess fee paid.

On April 13, 2004, Applicant's agent submitted a Response to the first Office Action of the instant application, but has not received further communication from the Office. However, in a status check in July, 2004 using Office's Pair system, Applicant's agent found by surprise that a Notice of Informal Amendment was mailed out on April 16, 2004, but never received by the Applicant (see Exhibit A, Transaction History obtained from the Pair system).

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail mailing label number: _____

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandra, VA 22313-1450.

Marcia Scruggs
Typed or printed name of person signing this certificate

Marcia Scruggs
Signature

11/19/04
Date

Since July, 2004, Applicant's agent has contacted the Clerk, Examiner, Primary Examiner, Supervisor Examiner, who are responsible for this application, numerous times via telephone about the status of the instant application. Applicant's agent also submitted a written request on September 20, 2004 to request the Examiner to forward the Office communication dated April 16, 2004 (see Exhibit B), so that the prosecution can be continued. However, in the last phone calls in September, Applicant's Agent was informed by the Examiner that the instant application was officially confirmed as lost in the Office.

Since then, Applicant's agent has been referred to a Special Examiner Kimberly Spears for the status of the instant application. However, Applicant's agent has tried to reach Examiner Spears through phone, and phone mails, but has not received any response up to date.

Applicant petitions to reconstruct the patent application file using Applicant's file record, or in combination with available electronic file record in the Office. Applicant respectfully requests the Director to grant the petition.

Furthermore, Applicant respectfully points out to the Director that the instant application is entitled to expedited prosecution based on an ongoing infringement (see Exhibit C, Grant of the Petition to Make Special). Applicant is eager to continue prosecution of the instant application.

Applicant further request the Office to refund the petition fee, since the lost of file record in the Office is not caused by the Applicant.

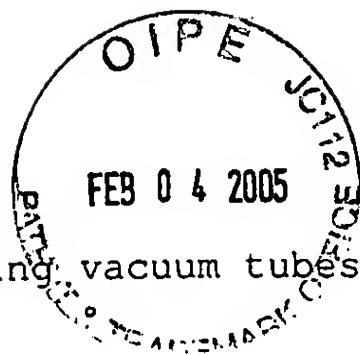
11-19-04

Date of Signature

By: 
Melvin K. Silverman
Registration No. 26,234

Address correspondence to:
Melvin K. Silverman
500 Cypress Creek Road
Suite 500
Fort Lauderdale, Florida 33309
Telephone: (954) 351-7474
Facsimile: (954) 492-0087

Printer Friendly
10/002,382



Utilizing vacuum tubes in computer audio circuitry

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12-28-2001	Application Dispatched from OIPE
12-26-2001	Application Is Now Complete
12-12-2001	IFW Scan & PACR Auto Security Review
10-20-2001	Initial Exam Team nn

[Close Window](#)

Exhibit A



Exhibit B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/002,382 Confirmation No. 2795

Applicant : Memran

Filed : October 20, 2001

TC/A.U. : 2644

Examiner : Tony M. Jacobson

Docket No. : 765

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Commissioner for Patents

P.O. Box 1450

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Marcia Scruggs
Typed or printed name of person signing this certificate

Signature msj98

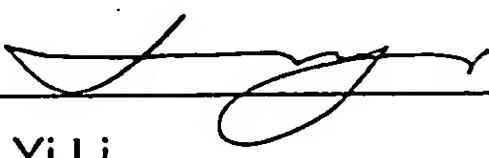
Date 9/20/04

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Applicant's Agent respectfully requests direct telephone communication from the Examiner with a view toward any further action deemed necessary to resolve problems associated with the missing document.

9/20/2004
Date of Signature

By: 

Yi Li
Registration No. 44,211
Agent of the Applicant

Address correspondence to:
Melvin K. Silverman
500 Cypress Creek Road
Suite 500
Fort Lauderdale, Florida 33309
Telephone: (954) 351-7474
Facsimile: (954) 492-0087



UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit C

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov



Paper No. 12
MAIL

Melvin K Silverman & Associates PC
4901 North Federal Highway Suite 440
Fort Lauderdale FL 33308

NOV 25 2003

In re Application of
MEMRAN, LOUIS I.
Application No. 10/002,382
Filed: October 20, 2001
For: UTILIZING VACUUM TUBES IN
COMPUTER AUDIO CIRCUITRY

: DIRECTOR OFFICE
: TECHNOLOGY CENTER 2600
: DECISION ON PETITION
: TO MAKE SPECIAL
:
:
:
:

This is a decision on the renewed petition filed October 9, 2003 under 37 CFR §1.102(d) to make the application special, which is being treated as a request for reconsideration.

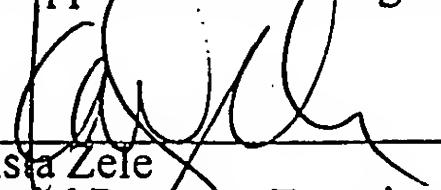
A grantable petition under 37 CFR §1.102(d) and MPEP § 708.02, section II: Infringement, must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and,
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art. Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the claims are not already of record.

The petitioner meets all of the above requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.


Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701

*Exhibit (III)*

FACSIMILE TRANSMITTAL SHEET

TO: Yi Li FROM: Dwayne D. Bost

COMPANY: Melvin K Silverman & Associates PC DATE: 2/1/05

FAX NUMBER: 954-351-7475 TOTAL NO. OF PAGES INCLUDING COVER: 5

PHONE NUMBER: SENDER'S TELEPHONE NUMBER: 703-305-4778

RE: Serial Number 10/002,382

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Ms. Li,

Please find attached a Courtesy copy of Notice of Non-Compliant Amendment mailed April 16, 2004 in the subject application

Respectfully,

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
U.S. Patent and Trademark Office



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,382	10/20/2001	Louis I. Memran	765	2795
7590	04/16/2004			XAMINER
Melvin K Silverman & Associates PC 4901 North Federal Highway Suite 440 Fort Lauderdale, FL 33308			JACOBSON, TONY M	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 04/16/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 04 2005

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 P.O. Box 1450
 ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4-12-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other SEE ATTACHED

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other _____

3. Amendments to the drawings: SEE ATTACHED

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all claims (including withdrawn claims).
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
- D. The claims of this amendment paper have not been presented in ascending numerical order.
- E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an **Advisory Action**. **The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.**

 Bobbie Davenport _____ 703-305-9630 _____
 Legal Instruments Examiner (LIE) Telephone No. _____

Rev. 10/03

10/002,382

Serial Number

- Canceled claims cannot show text of claim.
- "Amended" is not a proper status identifier.
- Amendments to the Specifications should begin on a separate page.
- Amendment to the Claims should begin on a separate page.
- "Remarks" should begin on a separate sheet.
- The "Cover Sheet", amendments to the "Specifications", amendments to the "Claims", and "Remarks" should each begin on a separate sheet.
- Only "Currently Amended" and "Withdrawn" claims can show marking
- X — Drawings should each have "Replacement Sheet(s)" or "Annotated Sheet(s)" as a heading.
- "Previously Added" is not a proper status identifier.
- "Previously Amended" is not a proper status identifier.
- A Clean copy and A Marked Up copy of the Claims is a Non-Compliant amendment Format.
- "Claims have been cancelled" is an improper status identifier.
- "Currently Amended claims must show markings.

- Each Status Identifier must be in Parentheses ().
- X Drawings should each have "Replacement Sheet(s)" or "Annotated Sheet(s)" as a heading in the "Portrait" position only, not the "Landscape" position.
- A Clean copy and a Marked Up copy of Substitute Specification is needed.
- Amendments to the Specifications must be by marked-up replacement paragraphs or sections only; (no clean or replacement paragraph or section is required; No replacement sheets permitted.
- Amendment was unsigned.
- X The first amendment to the specifications, "Page 4, paragraph 2" is actually at _____ at paragraph "5".
